

II. The Claims Define Patentable Subject Matter

A. Rejection of Claims 1-3 and 14-16

The Office Action rejects claims 1-3 and 14-16 under 35 U.S.C. §103(a) over U.S. Patent No. 5,799,276 to Komissarchik et al. in view of EP 1013222 to Nojima. This rejection is respectfully traversed.

Claims 1-3 and 14-16 would not have been rendered obvious by Komissarchik in view of Nojima. As discussed during the personal interview, none of the applied references teach or suggest a method of dynamic personalized reading instruction that includes "determining a first word recognition level of a user; displaying words based on the determined first word recognition level from a set of words classified by word recognition levels; determining word recognition errors based on user comprehension of a word using at least one comprehension aid provided to the user," as recited in claim 1. Similarly, none of the applied references teach or suggest a system of dynamic personalized reading instruction that includes "a word recognition level determining circuit for determining a word recognition level of a user; a word display circuit for displaying words from the stored words based on the determined word recognition level; a recognition error determining circuit for determining user recognition errors; a comprehension aid display circuit...a word recognition level adjusting circuit adjusting the word recognition level of the user based on the determined recognition user errors," as recited in claim 14.

Komissarchik does not relate to determining a word recognition level of a user. Instead, Komissarchik only relates to a knowledge based speech recognition apparatus and methods for translating input signal to text. The system of Komissarchik analyzes the speaker's utterance by employing knowledge of acoustics, phonetics, syntax and the semantics of a second language, and to select with high confidence the word corresponding to the spoken utterance from a large vocabulary. See, e.g., Komissarchik, col. 5, lines 17-27. The

system of Komissarchik presents words for which the computer's confidence level falls below the predetermined threshold on the screen of display in a flagged format to attract the user's attention. See, e.g., Komissarchik, col. 16, lines 19-21. Because the system of Komissarchik does not relate to the word recognition level of a user, the system of Komissarchik and the claimed invention are different.

Further, as acknowledged by the Office Action, Komissarchik does not disclose determining word recognition errors based on user comprehension of a word using at least one comprehension aid provided to the user, as recited in claim 1, and as similarly recited in claim 14. However, the Office Action asserts that Nojima remedies this deficiency. These assertions are respectfully traversed.

First, there is no motivation to combine Komissarchik with Nojima. "It is improper to combine references where the references teach way from their combination." *In re Grasselli*, 713 F.2d, 731, 743, 218 USPQ 769, 779 (Fed. Circ. 1983); see also MPEP §2144 (X)(D). Further, "if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984); see also MPEP §2143.01. As discussed above, the system of Komissarchik analyzes the speaker's utterance by employing knowledge of acoustics, phonetics, syntax and the semantics of a second language, and to select with high confidence the word corresponding to the spoken utterance from a large vocabulary. See, e.g., Komissarchik, col. 5, lines 17-27. However, Nojima relates to method and apparatus for analyzing language expression function, i.e. common sense, as an assistance in judging the health of recognition and understanding of a subject. See, e.g., Nojima, paragraphs [0001] and [0005]. Nojima analyzes language expression function by dividing language data obtained into a clause or word, and modifies the words being conjugated into the original form. See, e.g., Nojima,

paragraph [0036]. That is, Nojima does not analyze the comprehension of a word but the language expression. Thus, the proposed modification would render Komissarchik unsatisfactory for its intended purpose. Therefore, there is no motivation to combine the system of Komissarchik with that of Nojima.

Second, the modification alleged by the Office Action would not result in the claimed invention. Nojima does not remedy the deficiencies discussed with respect to Komissarchik. Furthermore, Nojima does not determine word recognition errors based on user comprehension of a word, but, instead, determines whether language expression is normal or abnormal. See, e.g., Nojima, paragraphs [0049]-[0052]. Thus, the alleged combination of references would not result in the system and method of claims 1 and 14.

Thus, for at least these reasons, claims 1 and 14 are patentable over Komissarchik and Nojima. Further, claims 2, 3, 15 and 16, which variously depend from claims 1 and 14, are patentable over Komissarchik and Nojima for at least the reasons discussed with respect to claims 1 and 14, as well as the additional features recited therein. Withdrawal of the rejection is thus respectfully requested.

B. Rejection of Claims 28 and 30

The Office Action rejects claims 28 and 30 under 35 U.S.C. §103(a) over U.S. Patent No. 5,634,086 to Rtischev et al. in view of Nojima. This rejection is respectfully traversed.

Claims 28 and 30 would not have been rendered obvious by Rtischev in view of Nojima. As discussed during the personal interview, none of the applied references teach or suggest "instructions for determining a first word recognition level of a user; instructions for displaying words based on the determined word recognition level of a user from a set of words classified by word recognition level; ... instructions for determining a second word recognition level of a user, the first word recognition level being dynamically adjusted based

on the determined word recognition errors," as recited in claim 28, and as similarly recited in claim 30.

Rtischev does not display words based on the determined word recognition level of a user, as recited in claims 28 and 30. Rtischev, instead, relates to a spoken-language instruction method and apparatus that employs context-based speech recognition for instruction and evaluation. See, e.g., Rtischev, Abstract. A trainee/user is provided a preselected script. See, e.g., Rtischev, col.5, lines 47-55 and Fig. 3. However, the preselected script of Rtischev is not based on the determined word recognition level. Furthermore, Rtischev does not determine a second word recognition level of the user, as recited in claims 28 and 30. The system of Rtischev, instead, includes an interactive decision mechanism which employs at least three levels of error only to simulate a natural level of patience. See, e.g., Rtischev, Abstract. Because Rtischev does not determine a second word recognition level of the user, the first word recognition level cannot be dynamically adjusted based on the determined word recognition errors. Thus, the claimed system and the system of Rtischev are different.

Further, as acknowledged by the Office Action, Rtischev does not disclose determining word recognition errors based on user comprehension of a word using at least one comprehension aid provided to the user, as recited in claim 28, and as similarly recited in claim 30. However, the Office Action asserts that Nojima remedies this deficiency. These assertions are respectfully traversed.

First, there is no motivation to combine Rtischev with Nojima. "It is improper to combine references where the references teach way from their combination." *In re Grasselli*, 713 F.2d, 731, 743, 218 USPQ 769, 779 (Fed. Circ. 1983); see also MPEP §2144 (X)(D). Further, "if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the

proposed modification." *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984); see also MPEP §2143.01. As discussed above, the Rtischev relates to a spoken-language instruction method and apparatus that employs context-based speech recognition for instruction and evaluation. See, e.g., Rtischev, Abstract. However, as discussed above, Nojima relates to method and apparatus for analyzing language expression function, i.e. common sense, as an assistance in judging the health of recognition and understanding of a subject. See, e.g., Nojima, paragraphs [0001] and [0005]. Nojima analyzes language expression function by dividing language data obtained into a clause or word, and modifies the words being conjugated into the original form. See, e.g., Nojima, paragraph [0036]. That is, Nojima does not analyze the comprehension of word but language expression. Thus, the proposed modification would render Rtischev unsatisfactory for its intended purpose. Therefore, there is no motivation to combine the system of Rtischev with that of Nojima.

Second, the modification alleged by the Office Action would not result in the claimed invention. Nojima does not remedy the deficiencies discussed with respect to Rtischev. Furthermore, as discussed above, Nojima does not determine word recognition errors based on user comprehension of a word, but, instead, determines whether language expression is normal, or abnormal. See, e.g., Nojima, paragraphs [0049]-[0052]. Thus, the alleged combination of references would not result in the program and carrier wave of claims 28 and 30.

Thus, for at least these reasons, claims 28 and 30 would not have been rendered obvious by Rtischev in view of Nojima. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

C. Rejection of Claims 4, 5, 17 and 18

The Office Action rejects claims 4, 5, 17 and 18 under 35 U.S.C. §103(a) over Komissarchik in view of Nojima and further in view of U.S. Patent No. 4,456,973 to Carlgren et al. This rejection is respectfully traversed.

Claims 4, 5, 17 and 18 are patentable over Komissarchik, Nojima and Carlgren. Carlgren does not remedy the deficiencies of Komissarchik and Nojima discussed with respect to claims 1 and 14. Claims 4 and 5 depend from claim 1 and claims 17 and 18 depend from claim 14. Thus, claims 4, 5, 17 and 18 are patentable over Komissarchik, Nojima and of Carlgren for at least the reasons discussed above with respect to claims 1 and 14, as well as the additional features recited therein. Withdrawal of the rejection is thus respectfully requested.

D. Rejection of Claims 6-12 and 19-25

The Office Action rejects claims 6-12 and 19-25 under 35 U.S.C. §103(a) over U.S. Patent No. 6,366,759 to Burstein et al. in view of Carlgren and further in view of Nojima. These rejections are respectfully traversed.

Claims 6-12 and 19-25 would not have been rendered obvious by Burstein in view of Carlgren and further in view of Nojima. As discussed during the personal interview, none of the applied references teach or suggest a method of dynamic personalized reading instruction that includes "determining a first user reading level; ...determining user comprehension of the text using at least one comprehension aid provided to the user; and determining a further user reading levels based on the user comprehension and reading level," as recited in claim 6. Similarly, none of the applied references teach or suggest a system for dynamic personalized reading instruction that includes a "a text determining circuit for determining display text based on a determined reading level information of a user; ...a controller for determining a

new reading level of the user based on at least one of the determined user comprehension and reading speed," as recited in claim 19.

Burstein relates to a method of grading an essay using an automatic scoring system. See, e.g., Burstein, Abstract. That is, Burstein discloses a computer-based system designed to automatically score an essay response, and thus, Burstein does not determine a user reading level, as recited in claims 6 and 19. Therefore, Burstein cannot display a tunable text summary based on the determined user reading level and determine user comprehension.

Further, as acknowledged by the Office Action, Burstein does not disclose determining comprehension of the text, determining word recognition errors based on user comprehension of a word using at least one comprehension aid provided to the user, and determining further user reading levels as recited in claim 6, and as similarly recited in claim 19. However, the Office Action asserts that Carlgren and Nojima remedies this deficiency. These assertions are respectfully traversed.

First, there is no motivation to combine Burstein with Carlgren and Nojima. "If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie obvious*." *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959); see also MPEP §2143.01. As discussed above, the system of Burstein relates to a method of grading an essay using an automatic scoring system. Carlgren relates to a system for proofreading a text document and automatically detecting and replacing the text words in the document based on intended audience. See, e.g., Carlgren, Abstract. However, as discussed above, Nojima analyzes language expression function by dividing language data obtained into a clause or a word, and modifies words being conjugated into the original form. See, e.g., Nojima, paragraph [0036]. That is, Nojima analyzes the verbal expressions, and

Burstein and Carlgren analyzes written expression. Therefore, there is no motivation to combine the systems of Burstein and Carlgren with that of Nojima.

Second, the modification alleged by the Office Action would not result in the claimed invention. Carlgren and Nojima does not remedy the deficiencies discussed with respect to Burstein. As discussed above, Carlgren relates to a system for proofreading a text document and automatically detecting and replacing the text words in the document based on intended audience. See, e.g., Carlgren, Abstract. The operator enters a grade level code and for those words that the system determines exceeds the desired grade level, the operator may select a desired replacement synonym. See, e.g., Carlgren, Abstract. That is, Carlgren is not related to determining user comprehension of the text using at least one comprehension aid provided to the user, and determining a further user reading levels. Furthermore, as discussed above, Nojima does not determine word recognition errors based on user comprehension of a word, but, instead, determines whether language expression is normal or abnormal. See, e.g., Nojima, paragraphs [0049]-[0052]. Thus, the alleged combination of references would not result in the system and method of claims 6 and 19.

Thus, for at least these reasons, claims 6 and 19, are patentable over Burstein, Carlgren and Nojima. Further, claims 7-12 and 20-25, which depend from claims 6 and 19, respectively, are patentable over Burstein, Carlgren and Nojima for at least the reasons discussed with respect to claims 6 and 19, as well as the additional features recited therein. Withdrawal of the rejection is thus respectfully requested.

E. Rejection of Claims 9-12 and 22-25

The Office Action rejects claims 9-12 and 22-25 under 35 U.S.C. §103(a) over Burstein in view of Carlgren and Nojima and further in view of Komissarchik. This rejection is respectfully traversed.

Claims 9-12 and 22-25 would not have been rendered obvious by Burstein, Carlgren, Nojima and Komissarchik. Komissarchik do not remedy the deficiencies of Burstein, Carlgren and Nojima discussed with respect to claims 6 and 19. Claims 9-12 depend from claim 6 and claims 22-25 depend from claim 19. Thus, claims 9-12 and 22-25 are patentable over Burstein, Carlgren, Nojima and Komissarchik for at least the reasons discussed with respect to claims 6 and 19, as well as the additional features recited therein. Withdrawal of the rejection is thus respectfully requested.

F. Rejection of Claims 26 and 27

The Office Action rejects claims 26 and 27 under 35 U.S.C. §103(a) over Carlgren in view of Komissarchik, and further in view of Nojima and Rtischev. This rejection is respectfully traversed.

Claims 26 and 27 would not have been rendered obvious by Carlgren in view of Komissarchik, and further in view of Nojima and Rtischev. As discussed during the personal interview, none of the applied references teach or suggest a system of dynamic personalized reading instruction that includes "a word recognition level determining circuit for determining a word recognition level of a user; a word display circuit for displaying words from the stored words based on the determined word recognition level; a recognition error determining circuit for determining user recognition errors; a comprehension aid display circuit for displaying comprehension aids to the user based on the determined user recognition errors; a word recognition level adjusting circuit adjusting the word recognition level based on the determined user recognition errors; and a sentence level dynamic personalized instruction circuit," as recited in claim 26. Similarly, none of the applied references teach or suggest a method of dynamic personalized reading instruction that includes "determining a first reading level of a user; displaying a grammatical tunable text summary based on the determined reading level; determining user comprehension errors for the text; displaying comprehension

aids based on at least the determined user comprehension errors, a language of instruction, and the determined user reading level; and determining a second user reading level based on the user comprehension and reading level," as recited in claim 27.

As discussed above, Carlgren only relates to a system for proofreading a text document and detecting and replacing text words in the document. See, e.g., Carlgren, Abstract. Thus, as discussed above, Carlgren does not relate to determining a first reading level and word recognition level of a user. Likewise, as discussed above, there is no motivation to combine. Further, the Examiner's conclusion of obviousness is based on improper hindsight reasoning. A reconstruction is proper "so long as it takes into account only knowledge which was within the level of ordinary skill in the art at the time the claimed invention was made and does not include knowledge gleaned only from applicant's disclosure." *In re McLaughlin*, 443 F.2d 1392, 1395, 170 USPQ 209, 212 (CCPA 1971); see, e.g., MPEP §2145(X). The Examiner is merely including knowledge from Applicant's disclosure to assert that Carlgren, Komissarchik, Nojima and Rtischev achieve the claimed invention.

Furthermore, as discussed above, the modification alleged by the Office Action would not result in the claimed invention. Komissarchik, Nojima and Rtischev do not remedy the deficiencies of Carlgren.

Thus, for at least these reasons, claims 26 and 27 are patentable over Carlgren, Komissarchik, Nojima and Rtischev. Withdrawal of the rejection is thus respectfully requested.

G. Rejection of Claims 29 and 31

The Office Action claims 29 and 31 under 35 U.S.C. §103(a) over Carlgren in view of Nojima and further in view of Burstein. This rejection is respectfully traversed.

Claims 29 and 31 would not have been rendered obvious by Carlgren in view of Nojima and further in view of Burstein. None of the applied references teach or suggest "instructions for determining a first user reading level; instruction for displaying a grammatical tunable text summary based on the determined reading level; instructions for determining user comprehension of the text using at least one comprehension aid provided to the user; and instructions for determining a further user reading levels based on the user comprehension and reading level," as recited in claim 29, and as similarly recited in claim 31.

Carlgren, as discussed above, only relates to a system for proofreading a text document and detecting and replacing text words in the document. Likewise, as discussed above, there is no motivation to combine Carlgren, Nojima and Burstein. Further, as discussed above, the modification alleged by the Office Action would not result in the claimed invention. Nojima and Burstein do not remedy the deficiencies of Carlgren.

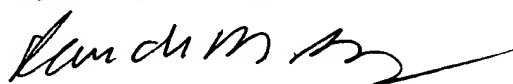
Thus, for at least these reasons, claims 29 and 31 are patentable over Carlgren, Nojima and Burstein. Withdrawal of the rejection is thus respectfully requested

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

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